

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE: NORRIS GENE WRIGHT)	
SHERRY LYNN WRIGHT)	
Debtors)	Chapter 13
)	Bankruptcy Case No:
SSN: xxx-xx-3799)	16-40199
SSN: xxx-xx-7629)	
_____)	

MOTION TO SET ASIDE COURT'S ORDER DISMISSING CASE

NOW COMES the above-named Debtors, by and through their attorney of record, and move the Court to set aside the Court's Order Dismissing case and in support of said Motion, show this Court this as follows:

1. The Debtors filed a Chapter 13 Petition on May 17, 2016.
2. The Bankruptcy Plan was confirmed on August 2, 2016.
3. The Plan payment is currently \$1010.00 per month.
4. The Trustee requested a future default for six (6) months pursuant to an Order entered on July 15, 2019.
5. The Debtors made a full plan payment of \$1010.00 in July, 2019, which was received by the Trustee on July 19, 2019.
6. The Debtors mailed two money orders, one for \$1000.00 and one for \$10.00 on August 15, 2019.
7. The said money orders are attached as Exhibit A and incorporated herein as if fully set forth.
8. The Court entered an Order dismissing the case on September 11, 2019, due to non-payment.
9. As of the date of this Motion, the Trustee's office has not received the August, 2019 payment.
10. The Debtor are in the process of having the USPS take whatever actions are necessary to track the said money orders.

11. The Debtors' Plan provides for payments to be made for the Debtors' residence so it is very important that the Debtors be allowed to remain under the Bankruptcy protection.

12. The Debtors, based on the said money orders, believe they have established sufficient grounds to have this dismissal set aside.

13. The Debtors have never requested any dismissal to be set aside prior to filing of this Motion.

WHEREFORE, the Debtors pray the Court as follows:

1. Based on excusable neglect, Court's order dismissing the case be set aside.
2. The Debtors be allowed to continue under their Bankruptcy Plan
3. The attorney for the Debtors, Robert H. Lutz, be awarded a non-base attorney's fee in the amount of \$450.00 and expenses in the amount of \$71.00 for services rendered regarding this Motion.
4. For such other and further relief as the Court may find just and proper.

This the 13th day of September, 2019.

LUTZ LAW FIRM, PLLC

Robert H. Lutz

Robert H. Lutz
Attorney for the Debtors
310-8 East Graham Street
Shelby, NC 28150
Phone No: 704-600-6003
Fax No: 704-600-6004
State Bar No: NC 16375

CERTIFICATE OF SERVICE

This is to certify that I have this date served the following in the above named matter with a copy of the foregoing by placing a copy of same in the United State mail, postage paid, addressed to the following:

Mr. Steven G. Tate (electronically served)
Chapter 13 Trustee
212 Cooper Street
Statesville, NC 28677

ALL CREDITORS LISTED ON THE MAILING MATRIX ATTACHED

This the 13th day of September, 2019.

LUTZ LAW FIRM, PLLC

Robert H. Lutz
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Attorney for the Debtors
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